On February 20, 2013, Bottle Rock Power, LLC (Bottle Rock), filed an appeal (Docketed Document, TN #69612) of the Bottle Rock Complaint Committee’s February 6, 2013, Decision Sustaining Complaint Against Bottle Rock Power, LLC (Decision). Although Bottle Rock remains in disagreement with the Committee’s Decision as indicated by the appeal, it has stated its’ interest in working with each party on resolution of the complaint issues through the Petition to Amend process. On February 28, 2013, Bottle Rock’s counsel e-mailed the Hearing Adviser to request that consideration of its appeal be stayed until after the consideration of a Petition to Amend (TN #69780, Attachment A). On March 4, 2013, I issued an order soliciting comments on the stay request. No objections to the stay were received. David Coleman, the original complainant in this matter did, however indicate that his assent to the stay was contingent on timely review and decision of the Petition to Amend.

Bottle Rock filed its Petition to Amend on March 8, 2013 (TN #69880). On March 6, 2013, it filed proof that it had contracted for the preparation of remediation cost estimates (TN #69840), also required by the Decision in order to stay the requirement to file a bond to secure remediation of the power plant site. That filing did not specify a date for the filing of the cost estimate as the Decision required. After Mr. Coleman called that failure to our attention, Bottle Rock provided the missing date (April 15, 2013) by letter on March 13, 2013 (TN #69914), curing the defect.¹

¹ Mr. Coleman’s March 25, 2013, response to Bottle Rock’s letter asserts that by describing the submission date as an “anticipated” date rather than a “date certain,” Bottle Rock has failed to comply. I do not find that distinction significant. Further, no particular deadline for submission was given in the Decision and April 15 is a reasonable date under the circumstances of this case.
After considering the request and the comments, I find it appropriate to postpone consideration of Bottle Rock’s Appeal until after the Petition to Amend is decided. Under the powers granted to me as Energy Commission Chair to regulate the conduct of proceedings and decide procedural requests (Cal. Code Regs., tit. 20, § 1203), I hereby Order that consideration of Bottle Rock’s Appeal be stayed until the conclusion of the amendment proceeding (79-AFC-4C).

This stay may be modified or terminated by further order of the Chair or the Energy Commission.

Dated: March 26, 2013, at Sacramento, California.

Original Signed By:

ROBERT B. WEISENMILLER
Chair
California Energy Commission
IN THE MATTER OF THE  
COMPLAINT AGAINST THE  
BOTTLE ROCK GEOTHERMAL POWER PLANT  

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After docketing, the Docket Unit will provide a copy to the persons listed below. Do not send copies of documents to these persons unless specifically directed to do so.

KAREN DOUGLAS
Commissioner and Presiding Member

ROBERT B. WEISENMILLER
Chair and Associate Member

Paul Kramer
Chief Hearing Adviser

Galen Lemei
Adviser to Presiding Member

Jennifer Nelson
Adviser to Presiding Member

Sekita Grant
Adviser to Associate Member

Eileen Allen
Commissioners’ Technical Adviser for Facility Siting
DECLARATION OF SERVICE

I, Maggie Read, declare that on March 26, 2013, I served and filed copies of the attached COMMISSION CHAIR’S ORDER STAYING CONSIDERATION OF BOTTLE ROCK’S APPEAL OF THE FEBRUARY 6, 2013, COMMITTEE DECISION, dated March 26, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: http://www.energy.ca.gov/sitingcases/bottlerock/index.html.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service) and to the Commission’s Docket Unit, as appropriate, in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

x  I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as “hard copy required”;

OR

_____  Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated  March 26, 2013

Original Signed By:
Maggie Read
Hearing Office